



## Course and Examination Fact Sheet: Spring Semester 2023

2,172: Law I B

ECTS credits: 5.5

### Overview examination/s

(binding regulations see below)

Central - Written examination (100%, 180 mins.)

Examination time: inter-term break

### Attached courses

Timetable -- Language -- Lecturer

- [2,172,1.00 Introduction to Constitutional Law and Public International Law](#) -- Englisch -- [Egli Patricia](#)
- [2,172,2.01 Constitutional Law and Public International Law: Exercises, Group 1](#) -- Englisch -- [Schibli-Hofer Beatrix](#)
- [2,172,2.02 Constitutional Law and Public International Law: Exercises, Group 2](#) -- Englisch -- [Schibli-Hofer Beatrix](#)
- [2,172,2.03 Constitutional Law and Public International Law: Exercises, Group 3](#) -- Englisch -- [Schibli Hans Rudolf](#)
- [2,172,2.04 Constitutional Law and Public International Law: Exercises, Group 4](#) -- Englisch -- [Schibli Hans Rudolf](#)
- [2,172,2.05 Constitutional Law and Public International Law: Exercises, Group 5](#) -- Englisch -- [Imeri Gentiana](#)
- [2,172,2.06 Constitutional Law and Public International Law: Exercises, Group 6](#) -- Englisch -- [Imeri Gentiana](#)
- [2,172,2.07 Constitutional Law and Public International Law: Exercises, Group 7](#) -- Englisch -- [Kayser Martin](#)
- [2,172,2.08 Constitutional Law and Public International Law: Exercises, Group 8](#) -- Englisch -- [Kayser Martin](#)
- [2,172,2.09 Constitutional Law and Public International Law: Exercises, Group 9](#) -- Englisch -- [Drittenbass Joel](#)
- [2,172,2.10 Constitutional Law and Public International Law: Exercises, Group 10](#) -- Englisch -- [Drittenbass Joel](#)
- [2,172,2.11 Constitutional Law and Public International Law: Exercises, Group 11](#) -- Englisch -- [Rechsteiner David](#)
- [2,172,2.12 Constitutional Law and Public International Law: Exercises, Group 12](#) -- Englisch -- [Rechsteiner David](#)
- [2,172,2.13 Constitutional Law and Public International Law: Exercises, Group 13](#) -- Englisch -- [Cueni Raphaela](#)
- [2,172,2.14 Constitutional Law and Public International Law: Exercises, Group 14](#) -- Englisch -- [Kayser Martin](#)
- [2,172,3.01 Constitutional Law and Public International Law: Independent Studies, Group 1](#) -- Englisch -- [Fasciati Sonia](#)
- [2,172,3.02 Constitutional Law and Public International Law: Independent Studies, Group 2](#) -- Englisch -- [Schurti Solveig](#)
- [2,172,3.03 Constitutional Law and Public International Law: Independent Studies, Group 3](#) -- Englisch -- [Koller Livia](#)
- [2,172,3.04 Constitutional Law and Public International Law: Independent Studies, Group 4](#) -- Englisch -- [Koller Livia](#)
- [2,172,3.05 Constitutional Law and Public International Law: Independent Studies, Group 5](#) -- Englisch -- [Schöller Maximilian](#)
- [2,172,3.06 Constitutional Law and Public International Law: Independent Studies, Group 6](#) -- Englisch -- [Schöller Maximilian](#)
- [2,172,3.07 Constitutional Law and Public International Law: Independent Studies, Group 7](#) -- Englisch -- [Bötticher Daniel](#)
- [2,172,3.08 Constitutional Law and Public International Law: Independent Studies, Group 8](#) -- Englisch -- [Bötticher Daniel](#)
- [2,172,3.09 Constitutional Law and Public International Law: Independent Studies, Group 9](#) -- Englisch -- [Hefti Danielle Cara](#)
- [2,172,3.10 Constitutional Law and Public International Law: Independent Studies, Group 10](#) -- Englisch -- [Schurti Solveig](#)
- [2,172,3.11 Constitutional Law and Public International Law: Independent Studies, Group 11](#) -- Englisch -- [Schöller Maximilian](#)
- [2,172,3.12 Constitutional Law and Public International Law: Independent Studies, Group 12](#) -- Englisch -- [Fasciati Sonia](#)
- [2,172,3.13 Constitutional Law and Public International Law: Independent Studies, Group 13](#) -- Englisch -- [Schad Cédric](#)
- [2,172,3.14 Constitutional Law and Public International Law: Independent Studies, Group 14](#) -- Englisch -- [Hefti Danielle Cara](#)

### Course information

#### Course prerequisites

None

#### Learning objectives

The course is divided into two parts: Introduction to Constitutional Law (part 1) and Introduction to Public International Law (part 2).



The learning objectives of part 1 are: Discussing different areas of constitutional law in Switzerland to assess the basic legal concepts underlying the Swiss state such as the principle of the "Rechtsstaat", federalism, democracy, social justice and the fundamental rights guaranteed by the Swiss Constitution.

The learning objectives of part 2 are: Discussing different areas of public international law to assess the basic legal concepts underlying the international order such as the legal sources, the subjects of international law, the Charter of the United Nations, international human rights law, international humanitarian law, international criminal law, international economic law and international environmental law as well as state responsibility and international dispute settlement.

## Course content

The course offers a comprehensive introduction to constitutional law and public international law. Constitutional law refers to a set of basic legal principles and rules that define the nature, function and organization of a state. In a first part, the course thus discusses the historical development, sources and interpretation of the Federal Constitution of the Swiss Confederation of 18 April 1999. In addition, the central principles and structures of the Federal Constitution of the Swiss Confederation are studied. The course gives students the opportunity to learn about the basic legal concepts underlying the Swiss state such as the principle of the "Rechtsstaat", federalism, democracy and social justice. Key aspects of the course are also the fundamental rights guaranteed by the Constitution.

### Main Topics:

- Introduction
- Historical Development
- Sources of Constitutional Law
- Constitutional Interpretation
- Constitutional Principles
  - Principle of the "Rechtsstaat"
  - Federalism
  - Democracy
  - Social Justice
- Parliament, Government and the Judiciary
- Fundamental Rights
- Protection of Fundamental Rights

Constitutional law is more and more influenced by public international law. Public international law is a set of rules regarded and accepted as binding in relations between states and other international actors. In a second part, the course thus explores the highly important and dynamic area of public international law. The course offers an overview of the central principles of public international law and discusses some specific international law regimes, such as the United Nations system, international human rights law, international humanitarian law, international criminal law, international environmental law and international economic law. Key aspects are also state responsibility and international dispute settlement systems.

### Main Topics:

- Introduction
- Sources of Public International Law
- Subjects of International Law
- The Charter and the Organs of the United Nations
- International Human Rights Law
- Interaction Between National and International Law
- International Humanitarian Law
- International Criminal Law
- International Environmental Law
- International Economic System
- Responsibility and International Dispute Settlement

## Course structure and indications of the learning and teaching design

The course is subdivided into different modules and consists of lectures, exercises and independent studies.

### Lectures



The lectures will take place each week on campus. The lectures before the semester break focus on the introduction to constitutional law; the remaining lectures discuss the basic principles of public international law. The lectures are based on the relevant literature as defined in this factsheet.

## Exercises

The impact of constitutional law and public international law will be illustrated with cases. These cases will be discussed and explained in exercises in smaller groups. The exercises will take place every other week at different times. The cases deepen the theory as explained in the lectures. You should, therefore, prepare the literature and the lecture on the respective topic before attending the exercises.

## Independent Studies

There will be catalogues with questions regarding constitutional law and public international law available on StudyNet/Canvas. You will have the opportunity to discuss these questions and the answers in independent study groups. These independent study groups will take place every other week.

## Guest Lecture

A guest lecture is designed in particular for foreign students who are not yet familiar with the political system in Switzerland. Detailed information about the guest lecture will be available on StudyNet/Canvas.

## Course literature

- P. Egli: Introduction to Swiss Constitutional Law, 2nd ed., Dike 2020
- P. Egli: Introduction to Public International Law, 2nd ed., Dike 2020
- Legal Materials, available at the SKK
- Additional material and documents on StudyNet (Canvas)

## Additional course information

--

## Examination information

### Examination sub part/s

#### 1. Examination sub part (1/1)

##### Examination time and form

Central - Written examination (100%, 180 mins.)

Examination time: inter-term break

##### Remark

--

##### Examination-aid rule

Closed Book for Examinations in Law

The use of aids is limited to the list below:

- any programmable electronic devices that are capable of communication such as electronic dictionaries, notebooks, tablets, smartphones, headsets, additional screens, etc. are not admissible unless they are expressly required for the examination or have been admitted under supplementary aids by the faculty members in charge of the examination;
- any texts of edicts issued by the Confederation in the four national languages and in the English translation of the Swiss Federal Chancellery, as well as the official edicts issued by the Canton of St.Gallen are also admissible. For reasons of simplicity, those edicts from this admissible category which are required for the examination are listed under the heading "Supplementary aids";



- additional aids and private collections of law are only admissible if they are expressly listed under supplementary aids. The list is exhaustive. Any private collections that are not listed are expressly prohibited and will be confiscated without compensation – regardless of whether they are law editions that are commented, uncommented or annotated;
- unless defined otherwise under supplementary aids, any documents may be combined in any number and language;
- pocket calculator models of the Texas Instruments TI-30 series as well as dictionaries without any handwritten notes are allowed.

The following preparation of legal texts is permitted:

- references to other legal articles, including all designations and numbers as they occur in the legal texts that are permitted (e.g. Arts 62 ff. CO / Art. 164(1)(a) FC / Art. 25(2)(a)(8) VAT Act / Art. 158 FC i.c.w. Art. 4 ParlA / Art. 29(II) FC, etc.). They must be written in a national language and/or in English;
- highlighting with any type of highlighter or marker pen in different colours (e.g. underlining or circling something, special characters such as arrows, asterisks, etc). The systematic highlighting of individual letters is prohibited, as are any other notes and comments;
- tabs: self-adhesive tabs in the margin of individual legal texts are permitted but they must only bear marginalia, titles and articles (e.g. Art. 141 FC: Optional referendum or 5. Title: Federal Authorities or Art. 5 FC) of the corresponding page.

Print-outs and copies of admissible legal texts (i.e. all official editions or permitted private collections, including tables of contents and indices) must be identical with the original and must be able to be unequivocally assigned to a source.

Procuring any aids, as well as ensuring their working order, is the exclusive responsibility of students.

## Supplementary aids

Admitted are the following text-collections:

### German:

- BIAGGINI Giovanni/EHRENZELLER Bernhard, Öffentliches Recht (latest edition)
- HÄNNI Peter/BELSER Eva Maria/WALDMANN Bernhard, Öff. Recht I (latest edition)

Additionally, the official version of the Constitution and the official versions of the statutory texts included in the above mentioned text-collections in German as issued by the Federal Chancellery are permitted.

Permitted are also print-outs of the pdf-versions of the Constitution and the statutory texts included in the above mentioned text-collections in the classified compilation: <https://www.admin.ch/gov/de/start/bundesrecht/systematische-sammlung.html>

### French:

Only the official French version of the Constitution and the official French versions of the statutory texts included in the above mentioned text-collections as issued by the Federal Chancellery are permitted.

Permitted are also print-outs of the French pdf-versions of the Constitution and the statutory texts included in the above mentioned text-collections in the classified compilation: <https://www.admin.ch/gov/de/start/bundesrecht/systematische-sammlung.html>

### Italian:

Only the official Italian version of the Constitution and the official Italian versions of the statutory texts included in the above mentioned text-collections as issued by the Federal Chancellery are permitted.

Permitted are also print-outs of the Italian pdf-versions of the Constitution and the statutory texts included in the above mentioned text-collections in the classified compilation: <https://www.admin.ch/gov/de/start/bundesrecht/systematische-sammlung.html>



## English:

- Introduction to Constitutional Law and Public International Law - Legal Materials (available at the Skriptenkommission).

In addition, the English versions of the Constitution and other statutory texts included in the above mentioned text-collections issued by the Federal Chancellery are permitted.

Permitted are also print-outs of the English pdf-versions of the Constitution and the statutory texts included in the above mentioned text-collections in the classified compilation: <https://www.admin.ch/gov/de/start/bundesrecht/systematische-sammlung.html>

## Nature of examination

analog

## Examination languages

Question language: English

Answer language: English

---

## Examination content

The examination content comprises the books referred to in the course literature, lecture notes and all additional lecture content, including the cases and questions covered in the exercises and independent study modules, uploaded on StudyNet (Canvas) until the end of spring semester.

The examination consists of two equal parts: the first part covers constitutional law (90 mins.) and the second part covers public international law (90 mins.).

## Examination relevant literature

- P. Egli: Introduction to Swiss Constitutional Law, 2nd ed., Dike 2020
- P. Egli: Introduction to Public International Law, 2nd ed., Dike 2020
- All lecture, exercise and independent study documents posted on StudyNet (Canvas) until the end of the spring semester.



## Please note

Please note that only this fact sheet and the examination schedule published at the time of bidding are binding and takes precedence over other information, such as information on StudyNet (Canvas), on lecturers' websites and information in lectures etc.

Any references and links to third-party content within the fact sheet are only of a supplementary, informative nature and lie outside the area of responsibility of the University of St.Gallen.

Documents and materials are only relevant for central examinations if they are available by the end of the lecture period (CW21) at the latest. In the case of centrally organised mid-term examinations, the documents and materials up to CW 12 are relevant for testing.

Binding nature of the fact sheets:

- Course information as well as examination date (organised centrally/decentrally) and form of examination: from bidding start in CW 04 (Thursday, 26 January 2023);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 12 (Monday, 20 March 2023);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 12 (Monday, 20 March 2023);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the de-registration period in CW 15 (Monday, 10 April 2023).